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Senators and Attorneys General Seek Investigation Into E.P.A. Rules Change

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WASHINGTON, Nov. 6 — Democratic senators and attorneys general from the Northeast called on Thursday for an investigation into a policy change by the Environmental Protection Agency that lawyers at the agency say will lead it to drop investigations of 50 power plants for Clean Air Act violations.

Attorney General Eliot Spitzer of New York, a Democrat, demanded that the agency turn over all of its files on the investigations so he and officials in other states can proceed with the cases. Mr. Spitzer and other Northeast attorneys general have filed lawsuits against utilities that would force them to spend billions of dollars upgrading their pollution-control systems.

"I'm asking for information the E.P.A. has generated relating to violations of a law they unfortunately have chosen not to pursue," Mr. Spitzer said.

An agency spokeswoman, Lisa Harrison, said on Thursday that Mr. Spitzer "either already has, or has access to, all of the documents that he is referring to."

Another plaintiff in the suits, Attorney General Richard Blumenthal of Connecticut, a Democrat, said the agency's decision could "undercut strong state enforcement efforts to protect air quality."

In Washington, Senator Patrick J. Leahy of Vermont, the ranking Democrat on the Judiciary Committee, called for hearings. And Senator Charles E. Schumer, Democrat of New York, asked the agency's inspector general to investigate whether the change in policy exceeded its authority.

"I am concerned that E.P.A. has basically announced to the power industry that it can now pollute with impunity," Mr. Schumer said.

The agency is investigating scores of power plants, oil refineries and manufacturing sites for violations of clean-air laws, including some that have led to notices of violation, or determinations of an infraction.

Enforcement lawyers at the agency say they were told this week that it would pursue investigations only if it could prove that plants were in violation of new, more lenient standard that the agency issued last month under the so-called New Source Review program.

Under the old rules, plants that were modernized in ways that increased harmful emissions generally had to install more pollution controls. Under the new rules, any renovation costing no more than one-fifth of a power-generating unit's value would be exempted from the requirement for new pollution-

control devices.

The utility industry and the Bush administration have argued that the old rules were too costly and inefficient and that the new rules and other proposed changes will reduce pollutants.

Agency lawyers and environmental groups say that the new standard would shield almost all of the plants under investigation. The lawyers said the decision would undermine investigations that had already found serious violations at the 50 plants, which are owned by 10 different companies. They said the change could also jeopardize inquiries involving at least 50 more plants.

The agency said in a statement on Wednesday that there had been "no decision by the agency to drop all New Source Review enforcement actions." A handful of pending lawsuits will continue, the agency has said, while additional suits are possible. Representatives of the utility industry and other corporations affected by the policy change sharply criticized the Democratic lawmakers.

Scott Segal, director of the Electric Reliability Coordinating Council, an organization of power generators, said that lawsuits under the old rules were likely to be thrown out of court and that suits brought under the new rules would have a better chance of success.

Jeffrey Marks, an official at the National Association of Manufacturers, said in a statement that "environmental groups, presidential hopefuls and misinformed state attorneys general" have unfairly attacked the new rules, which he said would help "advance energy efficiency and decrease air emissions cost-effectively."